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REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE AGENDA OF THE FIFTY-FIRST SESSION

OBSERVER STATUS FOR THE INTERNATIONAL SEABED AUTHORITY

Letter dated 16 September 1996 from the representatives of Australia, Brazil, Cameroon, Fiji, Finland, Germany, Iceland, India, Indonesia, Italy, Jamaica, Japan, New Zealand, Portugal, Samoa, Sweden, Trinidad and Tobago and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with rule 15 of the rules of procedure of the General Assembly, we have the honour to request the inclusion in the agenda of the fifty-first session of the General Assembly of an additional item of an urgent and important nature, entitled "Observer status for the International Seabed Authority".

The International Seabed Authority has been entrusted with responsibilities under the United Nations Convention on the Law of the Sea for certain matters pertaining to the law of the sea and ocean affairs that the Assembly should consider in its annual review of the implementation of the Convention and other developments relating to the law of the sea and ocean affairs.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is attached to the present letter (see annex).

(Signed) Richard BUTLER, AM
Permanent Representative of Australia
to the United Nations

(Signed) Celso Luiz Nunes AMORIM
Permanent Representative of Brazil
to the United Nations

(Signed) Paul BAMELA ENGO
Permanent Representative of Cameroon
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(Signed) Poseci W. BUNE
Permanent Representative of Fiji
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(Signed) Fredrik Wilhelm BREITENSTEIN
Permanent Representative of Finland
to the United Nations

(Signed) Tono EITEL
Permanent Representative of Germany
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(Signed) Gunnar PÁLSSON
Permanent Representative of Iceland
to the United Nations

(Signed) Prakash SHAH
Permanent Representative of India
to the United Nations

(Signed) Nugroho WISNUMURTI
Permanent Representative of Indonesia
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(Signed) Lorenzo FERRARIN
Chargé d'affaires, Permanent Mission
of Italy to the United Nations

(Signed) M. Patricia DURRANT
Permanent Representative of Jamaica
to the United Nations

(Signed) Hisashi OWADA
Permanent Representative of Japan
to the United Nations

(Signed) Michael POWLES
Permanent Representative of New
Zealand to the United Nations

(Signed) Pedro CATARINO
Permanent Representative of Portugal
to the United Nations

(Signed) Tuiloma Neroni SLADE
Permanent Representative of Samoa
to the United Nations

/...

(Signed) Peter OSVALD
Permanent Representative of Sweden
to the United Nations

(Signed) Annette des ILES
Permanent Representative of Trinidad
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(Signed) John WESTON, KCMG
Permanent Representative of the
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ANNEX

Explanatory memorandum

The International Seabed Authority (hereinafter referred to as "the Authority") is an autonomous intergovernmental organization established under article 156 of the 1982 United Nations Convention on the Law of the Sea (hereinafter referred to as "the Convention"). The Authority has a legal personality and its seat is in Jamaica.

Under article 157 of the Convention and paragraph I of section I of the annex to the Agreement relating to the Implementation of part XI of the Convention (hereinafter referred to as "the Implementing Agreement"), the Authority is the organization through which States parties, in accordance with the regime for the international seabed area established in part XI of the Convention and the Implementing Agreement, organize and control activities in the international seabed area ("the Area"), in particular with a view to administering the resources of the Area. The powers and functions of the Authority are those expressly conferred upon it by the Convention.

The Authority has three principal organs, the Assembly, the Council and the Secretariat. The Authority is based on the sovereign equality of all its members. All States parties to the Convention are, ipso facto, members of the Authority. The Convention, together with the Implementing Agreement, is a universal instrument and has 106 States parties as at 20 August 1996.

Following the adoption of the Implementing Agreement on 29 July 1994 and the entry into force of the Convention on 16 November 1994, the first meeting of the International Seabed Authority took place at its headquarters at Kingston from 16 to 18 November 1994. In accordance with its provisions, the Implementing Agreement entered into force on 28 July 1996.

According to the Implementing Agreement, between the entry into force of the Convention and the approval of the first plan of work for exploitation, the initial functions of the Authority shall include:

(a) Processing of applications for approval of plans of work for exploration in accordance with part XI of the Convention and the Implementing Agreement;

(b) Implementation of decisions of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea relating to the registered pioneer investors and their certifying States, including their rights and obligations, in accordance with article 308, paragraph 5, of the Convention and resolution II, paragraph 13;

(c) Monitoring of compliance with plans of work for exploration approved in the form of contracts;

(d) Monitoring and review of trends and developments relating to deep seabed mining activities, including regular analysis of world metal market conditions and metal prices, trends and prospects;

(e) Study of the potential impact of mineral production from the Area on the economics of developing land-based producers of those minerals which are likely to be most seriously affected, with a view to minimizing their difficulties and assisting them in their economic adjustment, taking into account the work done in this regard by the Preparatory Commission;

(f) Adoption of rules, regulations and procedures necessary for the conduct of activities in the Area as they progress;

(g) Adoption of rules, regulations and procedures incorporating applicable standards for the protection and preservation of the marine environment;

(h) Promotion and encouragement of the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area;

(i) Acquisition of scientific knowledge and monitoring of the development of marine technology relevant to activities in the Area, in particular technology relating to the protection and preservation of the marine environment;

(j) Assessment of available data relating to prospecting and exploration;

(k) Timely elaboration of rules, regulations and procedures for exploitation, including those relating to the protection and preservation of the marine environment,

At its second session, held at Kingston from 5 to 16 August 1996, the Assembly of the Authority, recognizing that the Authority, owing to its responsibilities under the Convention, has an interest in the law of the sea and ocean affairs and other related matters considered by the General Assembly, decided that the Authority should seek to obtain observer status at the United Nations to enable it to participate in the deliberations of the Assembly and requested the Secretary-General of the Authority to take the necessary measures to seek such observer status.

Accordingly, the Authority requests that it be granted observer status at the United Nations.